

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Kurita	Team: Team # 4	CCRB Case #: 201012013	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/29/2010 7:30 PM	Location of Incident: f/o § 87(2)(b) in the Bronx and inside the 46th PCT stationhouse	Precinct: 46	18 Mo. SOL 2/29/2012	EO SOL 2/29/2012	
Date/Time CV Reported Sun, 08/29/2010 10:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/01/2010 10:54 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Albert Rodriguez	02441	933532	PBBX
2. POM Jose Cintron	17999	946638	046 PCT
3. POM Christophe Vaccaro	03957	947671	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Elizabeth Duran	05557	946964	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Albert Rodriguez	Force: Sgt. Albert Rodriguez pointed his gun at § 87(2)(b)	
B.SGT Albert Rodriguez	Abuse: Sgt. Albert Rodriguez stopped § 87(2)(b)	
C.SGT Albert Rodriguez	Abuse: Sgt. Albert Rodriguez threatened § 87(2)(b) with the use of force.	
D.POM Jose Cintron	Abuse: PO Jose Cintron frisked § 87(2)(b)	
E.POM Jose Cintron	Abuse: PO Jose Cintron strip-searched § 87(2)(b)	
F.POM Christophe Vaccaro	Force: PO Christophe Vaccaro used physical force against § 87(2)(b)	
G.POM Christophe Vaccaro	Force: PO Christophe Vaccaro tightly handcuffed § 87(2)(b)	
H.POM Christophe Vaccaro	Abuse: PO Christophe Vaccaro strip-searched § 87(2)(b) inside the 46th PCT stationhouse.	

Case Summary

On August 29, 2010, § 87(2)(b) filed a complaint over the telephone with IAB. The CCRB received IAB log number 10-43646 on June 1, 2010. § 87(2)(b) reported that on August 29, 2010 at approximately 7:30 p.m., he interacted with officers identified by the investigation as Sgt. Albert Rodriguez, PO Jose Cintron, PO Christopher Vaccaro, and PO Elizabeth Duran, all of the 46th Precinct, in the vicinity of § 87(2)(b) and inside the 46th PCT stationhouse. The following allegations resulted:

Allegation A: Physical Force: Sgt. Albert Rodriguez pointed his gun at § 87(2)(b)

§ 87(2)(g)

Allegation B: Abuse of Authority: Sgt. Albert Rodriguez stopped § 87(2)(b)

§ 87(2)(g)

Allegation C: Abuse of Authority: Sgt. Albert Rodriguez threatened § 87(2)(b) with the use of force. § 87(2)(g)

Allegation D: Abuse of Authority: PO Jose Cintron frisked § 87(2)(b)

§ 87(2)(g)

Allegation E: Abuse of Authority: PO Jose Cintron strip-searched § 87(2)(b)

§ 87(2)(g)

Allegation F: Physical Force: PO Christopher Vaccaro used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation G: Physical Force: PO Christopher Vaccaro tightly handcuffed § 87(2)(b)

§ 87(2)(g)

Allegation H: Abuse of Authority: PO Christopher Vaccaro strip-searched § 87(2)(b)

inside the 46th Precinct stationhouse. § 87(2)(g)

Results of Investigation

Civilian Statements (encl.10A-E)

Complainant: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b)-old Hispanic male, 5'11" tall and 155 lbs. with black hair and brown eyes was interviewed by the CCRB on September 13, 2010. § 87(2)(b)

CCRB Testimony:

On August 31, 2010 at approximately 7:30 p.m., § 87(2)(b) walked southbound on Ryer Avenue toward 183rd Street. He wore khaki shorts and a beige t-shirt. Across the street there was a parking lot with several individuals standing in front of it. § 87(2)(b) passed and when he was approximately 20 feet away from the parking lot, he heard the sound of running feet behind him and one of the workers at the parking lot yelled out: “Yo, § 87(2)(b) watch your back!” § 87(2)(b) turned his head and observed an officer he identified as Sgt. Rodriguez running toward him with his gun drawn and pointed at him. PO Cintron, PO Vaccaro, and PO Duran followed Sgt. Rodriguez. § 87(2)(b) turned his body around and raised his hands. Sgt. Rodriguez stopped in front of him and pointed the gun at his face and told him, “If you fucking move I’ll blow your face off.” There were no witnesses within hearing distance at the time. PO Cintron grabbed § 87(2)(b) around the waist at his side. § 87(2)(b) held his hands in the air and yelled out to Sgt. Rodriguez, “I don’t have no weapons. I don’t have no drugs or guns on me. Why do you have that gun in my face? Can you move that gun out of my face? If you shoot me what are you going to do, tell my family sorry?” Sgt. Rodriguez did not lower the firearm. § 87(2)(b) yelled: “Rodriguez, your officer already got me. Can you move that gun out of my face? Rodriguez what are you doing? Are you crazy? What happens if your gun goes off?”

§ 87(2)(b) was moved against a nearby wall face first and frisked by PO Cintron. He asked, “What’s going on?” PO Cintron told him, “Just shut up. We’ll explain it to you later. Let us do our job.” PO Cintron removed § 87(2)(b)’s cell phone and wallet from his pockets. PO Cintron loosened § 87(2)(b)’s belt and pulled § 87(2)(b)’s short pants to his knees. PO Vaccaro attempted to place him in handcuffs and § 87(2)(b) told him, “I’m not going to let you put handcuffs on me. I didn’t do nothing. I got nothing on me,” and pulled his hands away. “Yo, why you all putting handcuffs on me for? What I did? What I did?” § 87(2)(b)’s mother asked, “Why are you arresting my son?” Sgt. Rodriguez told her, “Get out of here.” Eventually, PO Vaccaro was able to apply handcuffs and § 87(2)(b) stated that the handcuffs cut into his skin.

§ 87(2)(b) was placed inside the van. He was placed in the rear-most seat and PO Vaccaro sat in the seat in front of him. § 87(2)(b) leaned forward in the seat, and PO Vaccaro pushed him back against the seat and punched § 87(2)(b) with a closed fist three times in the chest. § 87(2)(b) repeatedly asked, “Why are you all taking me in?” He repeated this question multiple times. Sgt. Rodriguez told him, “We’ll tell you at the precinct.” § 87(2)(b) told Sgt. Rodriguez and PO Vaccaro that the handcuffs were too tight on his wrists and PO Vaccaro leaned § 87(2)(b) forward, reached behind him and tightened both handcuffs on his wrists.

§ 87(2)(b) was transported to the 46th Precinct stationhouse and placed in a restroom where his shoelaces, belt and shoes were removed. PO Vaccaro instructed him to pull his pants down and lift his shirt. § 87(2)(b) pulled his pants down to his knees as far as his pants were pulled down in the street, and lifted his shirt up. § 87(2)(b) was held in the cells for approximately thirty minutes. He was released with a summons for disorderly conduct. PO Cintron told § 87(2)(b) that he matched the description for an individual with a weapon.

After § 87(2)(b) was released he spoke to the individuals who stood near the parking lot at the time of the incident. § 87(2)(b) identified them as “§ 87(2)(b)” and “§ 87(2)(b)” but he did not provide their legal names or their contact information to the CCRB. They informed him that while he walked down the street, a marked van pulled up behind him and officers exited the van. Officers asked the men in the parking lot, “Is that the guy?” and ran after § 87(2)(b).

Witness: § 87(2)(b) (encl. 11A)

- § 87(2)(b) a Hispanic female, provided a witness statement over the telephone to the CCRB on October 7, 2010.

CCRB Testimony:

§ 87(2)(b) reported that on August 29, 2010 she was in the vicinity of Ryer Avenue and 184th Street in the Bronx when she observed her son, § 87(2)(b) walking on Ryer Avenue toward her. A marked van stop on Ryer Avenue near § 87(2)(b) and approximately six to seven officers exited the van and ran toward him. An officer identified by the investigation as Sgt. Rodriguez approached § 87(2)(b) and pointed a gun at him. § 87(2)(b) was not within hearing distance when Sgt. Rodriguez initially approached § 87(2)(b) and did not hear anything Sgt. Rodriguez said to him. § 87(2)(b) approached and asked, "What's going on? That's my son." Sgt. Rodriguez told her, "We received a report that there was someone with a handgun." § 87(2)(b) told them, "Be careful. You have a handgun pointed at his head. It could easily fire."

§ 87(2)(b) was placed against a nearby wall and two officers identified by the investigation as PO Cintron and PO Vaccaro surrounded him. § 87(2)(b) observed PO Cintron frisk him, but she did not observe any officer place his or her hands inside his pockets. She observed that § 87(2)(b)'s long pants were pulled down to his knees, exposing his underwear. Officers instructed § 87(2)(b) to move back. § 87(2)(b) was placed inside the marked van. She could not see inside the van. The van drove away quickly.

§ 87(2)(b) went to the precinct stationhouse where she could hear § 87(2)(b) crying in the rear of the stationhouse. Sgt. Rodriguez informed § 87(2)(b) that § 87(2)(b) matched the description of an individual with a gun. She did not observe any of § 87(2)(b)'s interaction with officers inside the precinct stationhouse. PO Cintron released § 87(2)(b)'s keys, cell phone, and wallet to her and § 87(2)(b) was released with a ticket.

Attempts to Contact Civilians

§ 87(2)(b) stated that, in addition to his mother, there were two individuals who observed the incident in front of § 87(2)(b). He provided their nicknames as "§ 87(2)(b)" and "§ 87(2)(b)" but did not provide their legal names and stated that they would not be cooperative with the investigation. As a result, database searches for these individuals were not possible. § 87(2)(b) stated that he would speak to these individuals in order to obtain their contact information. In telephone conversations on October 25, and November 9, 2010, § 87(2)(b) stated that he did not have the identity or contact information of § 87(2)(b) or § 87(2)(b) and that he lost piece of paper on which he noted their names and contact information.

NYPD Statements:

Subject Officer: SGT ALBERT RODRIGUEZ (encl. 12A-F)

- Sgt. Albert Rodriguez, a § 87(2)(b) old Hispanic male, 5'6" tall and 165 lbs. with black hair and brown eyes, was interviewed by the CCRB on May 19, 2011.
- On August 29, 2010, Sgt. Rodriguez was the Impact Supervisor in the confines of the 46th PCT. He was in uniform and working with PO Cintron, PO Vaccaro, and PO Duran. He was in a marked van and worked from 5:30 p.m. to 2:12 a.m.

CCRB Testimony:

Sgt. Rodriguez was in the front passenger seat of a marked van when a 911 call regarding a Hispanic male wearing khaki jeans and a white shirt with stripes who had a gun in the vicinity of 184th Street between Ryer Avenue and Field Place came over the radio. When they reached the vicinity of Ryer Avenue and Field Place, Sgt. Rodriguez observed that a large crowd had gathered. An individual identified as § 87(2)(b) stood in at the corner of Ryer Avenue

and Field place. Sgt. Rodriguez stated that § 87(2)(b)'s clothing matched the description provided by the SPRINT exactly in that he is a Hispanic male who wore khaki pants and white shirt with stripes. An individual in the crowd pointed § 87(2)(b) out to Sgt. Rodriguez. There were no additional individuals in his vicinity.

Sgt. Rodriguez approached § 87(2)(b), drew his firearm and instructed § 87(2)(b) to show his hands. Sgt. Rodriguez did not tell § 87(2)(b) "If you move I'll blow your fucking face off." § 87(2)(b) was combative, yelling, and asking why he was stopped. He complied with instructions to show his hands. Sgt. Rodriguez could not recall how many times § 87(2)(b) was instructed to show his hands. Sgt. Rodriguez holstered his weapon after § 87(2)(b) showed his hands. Either PO Cintron or PO Vaccaro frisked § 87(2)(b) and did not discover any weapons. § 87(2)(b) repeatedly asked why he was stopped and Sgt. Rodriguez informed § 87(2)(b) that he would explain after the investigation was completed.

After the frisk was conducted § 87(2)(b) continued to scream and became physically combative, waving his arms, and punching the windows of nearby parked cars. A large crowd gathered and Sgt. Rodriguez decided to place § 87(2)(b) under arrest for § 87(2)(b). § 87(2)(b) was placed in handcuffs and his pockets were searched. Sgt. Rodriguez could not recall who searched his pockets. He could not recall what was recovered in the search of his person. § 87(2)(b)'s pants were not pulled down at any time. § 87(2)(b) was placed in the rear-most seat of the van. No officer punched § 87(2)(b) inside the prisoner van and no officer manipulated § 87(2)(b)'s handcuffs inside the van.

§ 87(2)(b) was transported to the PCT stationhouse. Sgt. Rodriguez did not process § 87(2)(b) at the stationhouse and did not know who processed § 87(2)(b) at the stationhouse.

Subject Officer: PO JOSE CINTRON (encl. 13A-F)

- *PO Jose Cintron, a § 87(2)(b)-old Hispanic male, 5'9" tall and 215 lbs. with brown eyes, was interviewed by the CCRB on May 4, 2011.*
- *On August 29, 2010 PO Cintron was working Impact in the confines of the 46th PCT. He was in uniform, and working with Sgt. Rodriguez, PO Vaccaro, and PO Duran. He was in a marked van and worked from 5:30 p.m. to 2:05 a.m.*

CCRB Testimony:

PO Cintron observed § 87(2)(b) walking on Ryer Avenue near Field Place. § 87(2)(b) fit the description provided by a report of a man with a gun in that he is a Hispanic male wearing khaki pants, and a white shirt. There was a crowd of more than eight people gathered in the vicinity of Ryer Avenue and Field Place. They were approximately ten feet away from § 87(2)(b). Individuals within the group pointed at § 87(2)(b) who stood at the corner of Ryer Avenue and Field Place with his hands in his pockets, and mouthed the words, 'that's the guy.' § 87(2)(b) was alone. PO Cintron did not speak to anyone in the group of people who pointed out § 87(2)(b).

Sgt. Rodriguez exited the van and approached § 87(2)(b) and instructed him to remove his hands from his pockets. § 87(2)(b) refused to comply. Sgt. Rodriguez gave § 87(2)(b) several additional commands to remove his hands from his pockets. Sgt. Rodriguez drew his firearm and pointed it at him. Sgt. Rodriguez did not tell § 87(2)(b) "If you move I'll blow your fucking face off." § 87(2)(b) complied by removing his hands from his pockets. Sgt. Rodriguez holstered his firearm and approached § 87(2)(b). Sgt. Rodriguez frisked § 87(2)(b) and did not find any weapons. Sgt. Rodriguez explained to § 87(2)(b) that there was a radio report of a man with a firearm and that he fit the description of that man. § 87(2)(b) told him, "Don't give me that bullshit. You guys don't know how to do a stop." § 87(2)(b) began yelling and punching car windows. He did not damage any windows but he was causing a public disturbance. § 87(2)(b) was placed under arrest by PO Vaccaro. § 87(2)(b)'s pants

were not pulled down. § 87(2)(b) was placed in handcuffs and placed in the rear-most seat of the van. § 87(2)(b) did not complain about handcuffs being too tight. § 87(2)(b) was not punched by any officer at any time inside the van and no officer manipulated his handcuffs.

§ 87(2)(b) was transported to the 46th PCT stationhouse where he was processed by PO Vaccaro and released with a summons for § 87(2)(b).

The UF-250 prepared by PO Cintron noted the following: § 87(2)(b) was stopped at the intersection of Ryer Avenue and Field Place at 7:15 PM because of furtive movements and because he fit the description of a perp with a gun. He was close to the scene of a man with a gun. § 87(2)(b) changed direction at the sight of officers and provided false, evasive, or inconsistent responses to officer questions. He was observed for 1 minute, stopped for 5 minutes. § 87(2)(b)'s pedigree information shows that he is a § 87(2)(b) old white Hispanic male, 5'11" tall and 190 lbs. with brown hair and brown eyes. He was frisked due to furtive movements and actions indicative of violent crimes and searched due to matching a description of a perp with a gun (encl. 18A-B)

Subject Officer: PO CHRISTOPHER VACCARO (encl. 14A-F)

- *PO Christopher Vaccaro, a § 87(2)(b)-old white male, 6'3" tall and 250 lbs. with brown hair and blue eyes, was interviewed by the CCRB on May 12, 2011.*
- *On August 29, 2010, PO Vaccaro was assigned to Impact in the confines of the 46th PCT. He was in uniform and working with Sgt. Rodriguez, PO Cintron, and PO Duran. He was in a marked van and worked from 5:30 p.m. to 2:05 a.m.*

CCRB Testimony:

PO Vaccaro observed § 87(2)(b) standing in front of a building at the corner of Ryer Avenue and Field Place. § 87(2)(b) stood with his hands in his pockets, turning his head, looking around. There were individuals in the vicinity of Ryer Avenue and Field Place, but PO Vaccaro could not recall if any of those individuals pointed § 87(2)(b) out to officers. PO Vaccaro, Sgt. Rodriguez, PO Cintron and PO Duran exited the van and approached § 87(2)(b). § 87(2)(b) kept his hands at his waistband and appeared to be attempting to hide an item. All members of the Impact team instructed § 87(2)(b) to show his hands. § 87(2)(b) was instructed to remove his hands from his waistband and show his hands approximately three to five times. Sgt. Rodriguez drew his firearm and pointed it at § 87(2)(b). § 87(2)(b) did not comply and PO Vaccaro grabbed § 87(2)(b)'s hands in order to remove his hands from his waistband area. § 87(2)(b) was placed in handcuffs. PO Vaccaro could not recall who placed § 87(2)(b) in handcuffs. PO Vaccaro stated that § 87(2)(b) was handcuffed with double locking handcuffs which do not tighten or loosen after they are applied. § 87(2)(b) was frisked by PO Vaccaro or PO Cintron. He was not searched at the location. The frisk did not yield any weapons. PO Vaccaro was concerned about the gun and was not aware of any individuals who approached officers in order to ask them why § 87(2)(b) was placed in handcuffs. § 87(2)(b) began behaving in a disorderly manner by yelling and cursing. He also tensed his body and PO Vaccaro feared that if the handcuffs were removed, § 87(2)(b) would attempt to fight officers. Because he was causing a public disturbance, § 87(2)(b) was placed under arrest for § 87(2)(b). § 87(2)(b) was placed in the rear-most seat of the van where he continued his verbally combative behavior by protesting his arrest, yelling, and cursing. No officer punched § 87(2)(b) while he was in the van. No officer tightened the handcuffs on § 87(2)(b). No officer pulled § 87(2)(b)'s pants down while he was at the location. PO Vaccaro stated that either he or PO Cintron processed § 87(2)(b) at the stationhouse. He stated that he could not recall who brought § 87(2)(b) into the bathroom. He stated that he did not strip search or observe any strip-search of § 87(2)(b) at the stationhouse.

Witness Officer: PO ELIZABETH DURAN (encl. 15A-G)

- PO Elizabeth Duran, a § 87(2)(b)-old Hispanic female, 5'6" tall and 185 lbs. with brown hair and brown eyes, was interviewed by the CCRB on May 13, 2011.
- On August 29, 2010, PO Duran was assigned to Impact in the confines of the 46th PCT. She was in uniform and working with Sgt. Rodriguez, PO Cintron, and PO Vaccaro. She was in a marked van and worked from 5:30 p.m. to 2:05 a.m.

CCRB Testimony:

At the corner of Field Place and Ryer Avenue, PO Duran observed § 87(2)(b) who matched the description provided by the radio call being a Hispanic male in khaki pants and a white shirt. An individual in the vicinity of the incident pointed at § 87(2)(b) and mouthed the words, "That's him." § 87(2)(b) stood in front of § 87(2)(b). There were no additional individuals in § 87(2)(b)'s vicinity. PO Duran called out to Sgt. Rodriguez, "Sarge, that's him." § 87(2)(b) was about to enter § 87(2)(b) when Sgt. Rodriguez and PO Vaccaro exited the van and approached § 87(2)(b). § 87(2)(b) had his hands in his pockets. Sgt. Rodriguez approached § 87(2)(b) and instructed him to show his hands. PO Duran did not know how § 87(2)(b) reacted as she was moving the van at the time Sgt. Rodriguez instructed him to remove his hands. Sgt. Rodriguez pointed his firearm at § 87(2)(b). PO Duran did not hear Sgt. Rodriguez tell § 87(2)(b) "If you move, I'll blow your fucking face off." PO Vaccaro approached § 87(2)(b) and frisked him. At the time he was frisked, Sgt. Rodriguez had returned his firearm to the holster. No weapons were recovered in the frisk of § 87(2)(b). PO Duran did not observe § 87(2)(b) be searched or strip-searched at the location. After he was frisked § 87(2)(b) yelled at officers at the location. Officers attempted to inform § 87(2)(b) why he was stopped and he replied, "I don't fucking care. You don't point your gun at me." § 87(2)(b) began punching at the windows of cars parked in the vicinity and caused a crowd to gather around him. Due to the gathering crowd and the public disturbance caused by § 87(2)(b) he was placed under arrest and placed in handcuffs. § 87(2)(b) was placed in the van. He continually protested his stop and the firearm pointed at him. No officer punched § 87(2)(b) inside the van or tightened his handcuffs. § 87(2)(b) transported to the 46th PCT stationhouse. PO Duran did not know if § 87(2)(b) was strip-searched inside the PCT stationhouse. PO Cintron issued § 87(2)(b) a summons for § 87(2)(b). The identity of the individual with the gun was not discovered. The identity of the individual who reported the man with the gun was not discovered.

Medical Records (encl. 16A-E)

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b). § 87(2)(b) complained of numbness in both hands after he was handcuffed by police. § 87(2)(b)'s neurological exam showed that he had normal sensation, reflexes, coordination, muscle strength, and tone in both hands. § 87(2)(b) was diagnosed with tenderness in both lower arms, but no redness or swelling.

NYPD Documents

SPRINT: The SPRINT reported a 10-10 F2 (firearm, outside) in the vicinity of 184th Street between Ryer Avenue and Field Place. The anonymous male caller described the individual as a Hispanic male, wearing khaki jeans and a white striped shirt with a black hat (encl. 17A-B).

Summons/Arrest for Incident and Disposition (encl. 22A-K)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 6, 2011 with regard to the incident (encl. 23A).

Civilians Criminal History (encl. 22A-K)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 6A).

Subject Officers CCRB History

- Sgt. Albert Rodriguez has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 3A).
- PO Jose Cintron has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 4A).
- PO Christopher Vaccaro has been a member of service for two years and there are no substantiated CCRB allegations against him (encl. 5A).

Allegations Not Pleaded

§ 87(2)(g)
[REDACTED]
[REDACTED]

Conclusion

Identification of Subject Officers

Sgt. Rodriguez, PO Cintron, and PO Vaccaro acknowledged that they interacted with § 87(2)(b). § 87(2)(b) identified Sgt. Rodriguez from his nametag and the chevrons on his sleeve, and alleged that Sgt. Rodriguez pointed his gun at him, stopped him, and told him, "If you move, I'll blow your fucking face off." § 87(2)(g)
§ 87(2)(b) identified PO Cintron from his nametag and alleged that he frisked, and strip searched him in the vicinity of § 87(2)(b). § 87(2)(g)
§ 87(2)(b) alleged that a third officer, who he described as a white male in uniform, approximately 6'1" tall and 170 lbs. with blonde hair, punched him in the chest and tightened his handcuffs in the vicinity of § 87(2)(b) and strip searched him inside the 46th Precinct stationhouse. PO Vaccaro is a white male who is 6'1" tall and 270 lbs. with brown hair and was the only white male involved in the incident. § 87(2)(g)
[REDACTED]

Investigative Findings and Recommendations

Allegation A: Physical Force: Sgt. Albert Rodriguez pointed his gun at § 87(2)(b)

Allegation B: Abuse of Authority: Sgt. Albert Rodriguez stopped § 87(2)(b). It is not disputed that Sgt. Albert Rodriguez pointed his gun at § 87(2)(b) and forcibly stopped § 87(2)(b). The SPRINT and § 87(2)(b)'s statement confirmed that § 87(2)(b) matched the description and location of a reported man with gun in that he is a Hispanic male who was wearing khaki pants and a light-colored shirt in the vicinity of 184th Street and Ryer Avenue in the Bronx. As a precaution, Sgt. Rodriguez drew and pointed his firearm when he approached § 87(2)(b) because he matched the description. § 87(2)(b) admitted that he reacted in a verbally aggressive and uncooperative manner and Sgt. Rodriguez detained him. Sgt. Rodriguez holstered his firearm after § 87(2)(b) complied with instructions to show his hands. The Police Student's Guide scale of escalating force indicates that an officer may draw his firearm when faced with threatened or potential lethal assault (encl. 1A). Criminal Procedure Law allows for an officer to stop a suspect "when he reasonably suspects that such a person is committing, has committed, or is about to commit a felony or misdemeanor defined in the penal law. Kamins, New York Search & Seizure, 2.04[1] (encl. 2A-D) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C: Abuse of Authority: Sgt. Albert Rodriguez threatened § 87(2)(b) with the use of force. § 87(2)(g)

§ 87(2)(b) Sgt. Rodriguez denied the allegation, and PO Cintron, PO Vaccaro, and PO Duran testified that Sgt. Rodriguez did not engage in the alleged misconduct. There were no civilian witnesses within hearing distance at the time the alleged misconduct occurred. § 87(2)(g)

§ 87(2)(b)

Allegation D: Abuse of Authority: PO Jose Cintron frisked § 87(2)(b). It is undisputed that PO Cintron frisked § 87(2)(b). § 87(2)(b) admitted that he yelled out and protested throughout the incident and then physically refused to be handcuffed. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) Criminal Procedure Law allows for a police officer to frisk an individual when "particular facts, which, in light of his experience, would cause a reasonably prudent man in such circumstances to harbor a rational belief of danger." Kamins, New York Search & Seizure, 2.05[1] (encl. 2A-D). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation E: Abuse of Authority: PO Jose Cintron strip-searched § 87(2)(b)

§ 87(2)(g) All officers denied strip-searching § 87(2)(b). § 87(2)(b) stated that she observed § 87(2)(b)'s pants pulled down at the location, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation F: Physical Force: PO Christopher Vaccaro used physical force against § 87(2)(b) § 87(2)(g) PO Vaccaro, Sgt. Rodriguez, PO Cintron, and PO Duran testified that § 87(2)(b) was not punched at any time during the incident. § 87(2)(b) could not see inside the van and there were no civilians inside the van at the time of the alleged punches. § 87(2)(b)'s medical records show that he was treated at § 87(2)(b) where he did not complain of any injuries to his chest. He did not report to medical staff that he was punched. § 87(2)(g)

Allegation G: Physical Force: PO Christopher Vaccaro tightly handcuffed § 87(2)(b) § 87(2)(g) PO Vaccaro denied that he tightened § 87(2)(b)'s handcuffs. Sgt. Rodriguez, PO Cintron, and PO Duran did not observe PO Vaccaro manipulate the handcuffs. There were no additional witnesses inside the van at the time of the incident. § 87(2)(g)

Allegation H: Abuse of Authority: PO Christopher Vaccaro strip-searched § 87(2)(b) inside the 46th Precinct stationhouse. § 87(2)(g) All officers denied strip-searching § 87(2)(b) PO Vaccaro stated that he may have processed § 87(2)(b) at the stationhouse but that he did not strip-search him. § 87(2)(b) alleged that he was strip-searched inside a bathroom. There were no witnesses to the incident. § 87(2)(g)

Team: **4**

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date